

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Randolph Stephen Baird,)	C/A No. 1:11-1217-JFA-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
April Chapman, Warden; Attorney General for)	
the State of South Carolina,)	
)	
Respondents.)	
)	

The *pro se* petitioner, Randolph Stephen Baird, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 28 U.S.C. § 2254 challenging his state court convictions for unlawful use of a telephone.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint should be dismissed for failure to prosecute, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The Magistrate Judge notes that the petitioner was advised to keep the court apprised of his current address. Although the petitioner did inform the clerk of his address change, the mail that was sent to the new address was still returned to the Clerk by the U.S. Postmaster.

The respondents have filed a motion for summary judgment. An order was then issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of

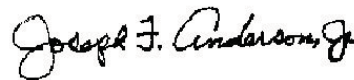
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. That order was returned to the Clerk of Court as “undeliverable.”

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on September 8, 2011. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

October 5, 2011
Columbia, South Carolina